IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 22614 of 2004

Between:

B. Krishna, S/o. Narasimham, Hindu,
H.No. 2-5-55/67, Bharathnagar Colony, Cherlapally, Ghatkesar Mandal, Ranga Reddy District.

..... PETITIONER

AND

1 Station House Officer, P.s., Prohibition and Excise,
Ghatkesar, R.R. District.
2 The Deputy Commissioner of Police, Prohibition & Excise,
Ranga Reddy District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order, direction, more particularly one in the nature of Writ of Mandamus or any other appropriate Writ or order or direction to the Respondents to release the Vehicle bearing No.A.P.28.v.0319 Minidor Model 2002 on any condition under the Law, in the interest of justice, and pass such other order or orders.

Counsel for the Petitioner:MR.V.SARAVANA KUMAR

Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

The Court at the stage of admission made the following ORDER:

The vehicle of the petitioner, a seven-seater auto, bearing No.AP 28V 0319 was seized by the first respondent on 17.01.2003, on the ground that certain items of liquor were being transported in it. Crime No.48 of 2003-04 was registered. Proceedings are now pending before the second respondent. The petitioner claims to have filed an application before the second respondent for release of the vehicle. His grievance is that no orders have been passed thereon.

Heard learned counsel for the petitioner and learned Government Pleader for Prohibition & Excise.

The truth of the allegations against the petitioner or the nature of action to be taken against him, needs to be considered in the proceedings, which are now pending before the second respondent. The petitioner claims to have purchased the vehicle by obtaining a loan of Rs.45,000/- from a financing agency, as a measure of self-employment. The prolonged retention of the vehicle by the respondents, if at all, would only result in its damage and it would not be

beneficial to anyone.

Hence, the writ petition is disposed of directing the respondents to release the vehicle as and when the petitioner furnishes bank guarantee or submits a demand draft for a sum of Rs.5,000/- (Rupees Five thousand only) and also furnishes an undertaking not to alienate the vehicle pending disposal of the proceedings before the second respondent. No order as to costs.

08.12.2004

Note:

Issue CC in three days.

(BO)

ksld

To

1 Station House Officer, P.s., Prohibition and Excise,
Ghatkesar, R.R. District.
2 The Deputy Commissioner of Police, Prohibition & Excise,
Ranga Reddy District.

3 Two CCS. to the G.P. for Prohibition & Excise,High Court of A.P.,

Hyderabad (OUT).

4 Two CD copies.